CONTINUED FROM FIRST PAGE.

ficiently large, with her consent, hereafter to carve out of it some two or three additional States, when the condition of the population may render it ex-pedient to make new States. Sir, is there not in this resolution concession, liberality, justice But this is not all that we propose to do. The second resolution proposes to pay off a certain amount of the debt of Texas. A blank is left in the resolution, because I have not heretofore been able to ascertain the amount.

We propose to offer her in this second resolu-tion a sum which the worthy Senator from Texas thinks will not be less than three millions of dollars-the exact amount neither he nor I can furnish, not having the materials at hand upon which to base a statement. Well, sir, you get this large boundary and three millions of your debt paid. shall not repeat the argument which I urged upon a former occasion, as to the obligation of the United States to pay a portion of this debt, but I was struck the other day, upon reading the treaty of limits, first between the United States and Mexico, and next the treaty of limits between the United States and Texas, to find, in the preamble of both of those treaties, a direct recognition of the principle from which I think springs our obligation to pay a portion of this debt, for the payment of which the revenue of Texas was pledged before her annexation. The principle asserted in the treaty of limits with Mexico is, that whereas by the treaty of 1819, between Spain and the United States, a limit was fixed between Mexico and the United States, Mexico comprising then a portion of the possessions of the Spanish Government. Although Mexico was at the date of the treaty severed from the Crown of Spain, yet she as having been a part of the possessions of the Crown of Spain when the treaty of 1819 was made, was bound by that treaty as much as if i had been made by herself instead of Spain-in other words, that the severance of no part of common empire can exoperate either portion of that empire from the obligations contracted when the empire was entire and unsevered. And sir 1838, between Texas and the United States. The principle asserted is, that the treaty of 1828 between Mexico and the United States having been made when Texas was a part of Mexico, and that now Texas being dissevered from Mexico, she nevertheless remains bound by that treaty as much as if no such severance had taken place. In other words, the principle is this-that when an independent Power creates an obligation or debt, no subsequent political misfortune, no sub sequent severance of the territories of that Power can exonerate it from the obligation that was cre ated whilst an integral and independent Power in other words, to bring it down and apply it to this specific case-that, Texas being an independent Power, and having a right to make loans and to make pledges, having raised a loan and pledged specifically the revenues arising from the cus toms to the public creditor, the public creditor be came invested with a right to that fund; and it is a right of which he could not be divested by any other act than one to which his own consent was given-it could be divested by no political change which Texas might think proper to make. In nons queen at the absorption or merging of Texas into the United States, the creditor, being no party to the treaty which was formed, does not lost his right—he retains his right to demand the ful filment of the pledge that was made upon this specific fund, just as if there had not been any annexation of Texas to the United States. That was the foundation upon which I arrived at the conclusion expressed in the resolution-that the United States having appropriated to themselves the revenue arising from the imports, which revenue had been pledged to the creditor of Texas, the United States as an honorable and just Power ought now to pay the debt for which those duties were solemnly pledged by a power independent in itself and competent to make the piedge. Well, sir, I think that when you consider the large boundary which is assigned to Texas—and when you take into view the abhorrence-for I think I am warranted in using this expression-with which the people of New Mexico east of the Rio Grande will look upon any political connection with Texas-and when, in addition to this, you take into view the large grant of money that we propose to make, and our liberality in exonerating her from a portion of her public debt, equal to

hesitate a moment to accede to them.

I have now got through with what I had to say On motion of Mr. Foote, the further consideration of the resolutions was postponed until to

into consideration, I think I have presented a case

in regard to which I confess I shall be greatly

morrow; and, on motion, The Senate adjourned. WEDNESDAY, FEBRUARY 6, 1850.

Mr. Clay resumed and concluded his speech as

Mr. President: If there be in this vast assem-

blage of beauty, grace, elegance, and intelligence, any who have come here under the expectation that the humble individual who now addresses you means to attempt any display, or to use any am-bitious language, any extraordinary ornaments or decorations of speech, they will be utterly disappointed. This season of the year, and my own season of life, both admonish me to abstain from the use of any such ornaments; but, above all, Mr. President, the woful subject upon which it is my duty to address the Senate and the country forbids my saying anything but what appertains strictly to that subject; and my sole desire is to make myself, with seriousness, soberness, and plainness, understood by you, and by those who

think proper to listen to me.

When, sir, yesterday, the adjournment of the Senate took place, at that stage of the discussion of the resolutions which I have submitted which related to Texas and her boundaries, I thought I had concluded the whole subject; but I was reminded by a friend that perhaps I was not sufficiently explicit upon a single point; and that is, the relation of Texas to the Government of the United States, in regard to that portion of the debts of Texas for which I think a responsibility exists upon the part of the Government of the United States. Sir, it was said that it might perhaps be understood that in the proposed grant when it may be ascertained-to Texas, in consideration of her surrender of her title to New Mexico, on this side of the Rio Grande, in that grant we merely discharge the obligations which exist upon the part of the Government of the United States, in consequence of the appropria-tion of the imports receivable in the ports of Texas while she was an independent Power. But that is not my understanding, Mr. President, of the subject, as between Texas and the United States. I pass to the next resolution in the series which I had the honor to submit. It relates, if I

am not mistaken, to this District:
5 Resolved, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the corsent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

Mr. President, an objection was made to this resolution by some honorable Senators upon the other side of this body, that it did not contain an assertion of the unconstitutionality of the exercise of the power of abolition on the part of Congress, with regard to this District. I said then, as I have uniformly maintained in this body, as I contended in 1838, and ever have done. that the power to abolish slavery in the District of Columbia has been vested in Congress by language too clear and explicit to admit, in my judgment, of any rational reply whatever. What, sir, is the language of the Constitu

on? Congress shall have power—
"To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by cossion of particular States, and the acceptance of Congress, become the seat of Government of the United States."

Now, sir. Congress, by this granting of power

is invested with all legislation whatsoever over the District. Not only is it here invested, but it is exclusively invested, with all legislation whatsoever over the District. Now, sir can we con-ceive of any language more particular and comprehensive than that which invests a legislative body with exclusive power in all cases whatso-ever of legislation over a given district of terri-tory or country? Let me ask, sir, is there any power to abolish slavery in this District? me suppose, in addition to what I suggested the other day, that slavery had been abolished in Maryland and in Virginia; let me add to that supposition that it was abolished in all the States in the Union: is there any power, then, to abolish slavery within the District of Columbia, or is slavery planted here to all eternity, without the possibility of the exercise of any legislative power for its abolition? It cannot be invested Union are excluded. It is here, or it is nowhere. This was the view which I took in 1838; and I think there is nothing in the resolution which I took in 1838; and I think there is nothing in the resolution which I took in 1838; and I think there is nothing in the resolution which I took in 1838; and I think there is nothing in the resolution which I to a famous convention to a famous con

in conscience and good faith, exercise while the institution of slavery continues within the State of Maryland. The question, sir, is a good deal altered now from what it was twelve years ago, when the resolution to which I allude was adopted by the Senate. Upon that occasion, Virginia and Maryland were both concerned in the exercise of the power; but in the retrocession of the portion of the District, which lies south of the otomac, Virginia has become no more interested in the question of the abolition of slavery in the rest of the District than any other slaveholding State in the Union is interested in its abolition The question now is confined to Maryland. I said upon that occasion, that although the power was complete and perfect, and the right to abol ish slavery, yet that it was a thing which never could have entered into the conception of Maryland or Virginia, that slavery would be abolished here while slavery continued to exist in either of those two ceding States. I said, moreover, sir, what the granting of the power itself indicates, that, although exclusive legislation in all cases over the District was invested by Congress within the ten miles square, it was to make it the seat of Government of the United States. That was the great, paramount, substantial object of the And, in exercising all the powers with which we are invested, complete and full as they may be, yet the great purpose of the concession having been to create a suitable seat of Government, that ought to be the leading and controlling idea with Congress in the exercise of this power And inasmuch as it is not necessary, in order t render it a proper and suitable seat of Govern ment of the United States, that slavery should be abolished within the limits of the ten miles square, and inasmuch as, at the time of the cession, in a spirit of generosity, immediately after the formation of this Constitution, when all was peace, and harmony, and concord-when brotherly affection, fraternal feeling, prevailed throughout this whole Union-when Maryland and Virginia, in a moment of generous impulse, and with feelings of high regard towards the principles of this Union, chose to make this grant-neither party could have suspected that at some distant and future period, after the agitation of this unfortunate subject, their generous grant, without equivalent, was to be turned against them, and that the sword was to be lifted, as it were, to their bosoms, to strike at their own hearts. This implied faith, this honorable obligation, this honesty and propriety of keeping in constant view the object of the cession-these were the considerations which, in 1838, urged me, as they now in fluence me, in the preparation of the resolution which I have submitted for your consideration. Now, as then, I do think that Congress, as an honorable body, acting hom fide in good faith, according to the nature, and purpose, and objects of the cession at the time it was made, and looking at the condition of the ceding States at this time— Congress cannot, without forfeiture of all those obligations of honor which men of honor, and nations of honor, will respect as much as if they were found literally, in so many words, in the bond itself, interfere with the institution of slavery in this District, without a violation of all

those obligations, not in my opinion less sacred or constitutional instrument itself.

Well, sir, what does the resolution propo The resolution neither affirms nor disaffirms the constitutionality of the exercise of the power of abolition in the District. It is silent subject. It says that it is inexpedient to do it, but upon certain conditions. And what are those Why, first, that the State of Maryland shall give its consent; in other words, that the State of Maryland shall release the United States from the obligation of that implied faith which, I contend, is connected with the act of cession by Maryland to the United States. Well. sir, if Maryland, the only State now that ceded any portion of the territory which remains to us, will consent-in other words, if she releases Congress from the obligation growing out of the cession with regard to slavery-I con ider, sir, that that would remove one of the obstacles to the exer cise of the power, if it were deemed expedient to exercise it; but it is only removing one of them. There are two other conditions which are insert-ed in this resolution: the first is the consent of the people of the District.

Mr. President, the condition of the people that grant-when we take all these circumstances this District is anomalous-a condition in tion of the great principle which lies at the bottom of our own free institutions, and of all free surprised if the people of Texas themselves, when they come to deliberate upon these liberal offers, who are acted upon by legislative authority. who are acted upon by legislative authority, and taxed by legislative authority, without havin reference to this resolution, and if the Senator | The Government of the United States, in refrom Mississippi wishes it, I will give way for a spect to the people of this District, is a tyran ny, an absolute Government - not exercised hitherto-I admit, and I hope it will never be so exercised tyrannically or arbitrarily. But it is in the nature of all arbitrary power; for if I were to give a definition of arbitrary au-thority, I would say it is that power which is exercised by an authority over a people who have no voice nor influence in the assembly which enacts her laws; and that is the precise condition of

the people to whom I have referred.

Well, sir, that being their condition, and this question of the abolition of slavery affecting them in all the relations of life which we can imagine—of property, society, comfort, peace—I think we should require, as another of the conditions upon which alone this power should be exercised, the consent of the people of the District of Columbia. And, sir, I have not stopped there. This resolution requires still a third condition; and that is, that slavery shall not be abolished within the Dis-trict of Columbia, although Maryland consents, and although the people of the District itself, without the third condition—that of making compensation to the owners of slaves within the District. And, sir, it is immaterial to me upon what basis this obligation to compensate the slaveholders in the District for such slaves as may be

liberated under the authority of Congress, is placed. There is a clause in an amendment of the Constitution of the United States which provides that no property—no private property—shall be taken for public use, without just compensation to the owners of such property. Well, sir, t think that, in a just and liberal interpretation of that clause, we are restrained from taking the property of the people of the District of Columbia in slaves, in consideration of any public policy, without full and complete compensation. But if there be no constitutional restriction, such as is con-tained in the amendment I have referred to, upon principles of eternal justice it is wrong to deprive those who have property in slaves in this District of that property without compensation.

Mr. President, if it be conceded that Congress has the power of legislation-exclusive legislation, in all cases whatsoever-how can it be doubted that Congress has the power to prohibit what is called the slave trade within the District of Columbia? Sir, my interpretation of the Constitution is this: that with regard to all those portions of jurisdiction which operate upon the States, Congress can exercise no power which is not granted, or not a necessary implication from a granted power. Such is the rule for the action of Congress in relation to its legislation upon the States. But in relation to its legislation upon this District, the reverse, I take it, is the true rule: that Congress has all power which is not rule: that Congress has all power which is not prohibited by some provision of the Constitution of the United States. In other words, Congress has a power within the District equivalent to and co-extensive with the power which any State itself possesses within its own limits. Well, sir, can any one doubt the power and right of any can any one doubt the power and right of any State in this Union—of any slaveholding State to forbid the introduction, as merchandise, of slaves within its own limits? Why, sir, almost every slaveholding State in the Union has exercised its power to prohibit the introduction of Court has no right to decide whether the laws of slaves as merchandise. It is in the Constitution of my own State; and after all the agitation and ement upon the subject of, slavery which has existement upon the subject of, savery which has existed in the State of Kentucky during the last year, the same principle is incorporated in the new Constitution. It is in the Constitution, I know, of Mississippi also. That State prohibits the introduction of slaves within its limits as merchandise. I believe it to be in the Constitution or laws of Maryland and Virginia, and in them of the passage of a law by a State Legisla-the laws of most of the slaveholding States. It ture, affording aid and assistance to the owner of proposed to the Committee of thirteen by myself, is true that the policy of the several slaveholding States has vacillated, from time to time, upon this subject—sometimes including and sometimes excluding the trade; but there has never been the slightest diversity of opinion as to the right— no departure from the great principle that every one of them has the power and authority to pro-hibit the introduction of slavery within their respective limits, if they choose to exercise it.

Well, then, sir, I really do not think that this Well, then, sir, I really do not think that this resolution, which proposes to abolish that trade, ought to be considered as a concession by either class of States to the other class. I think it should be regarded as an object acceptable to both, conformable to the wishes and feelings of both; and yet, sir, in these times of fearful and alarming excitement—in these times when every night that Ligo to sleep and every rooming when I swake. power for its abolition? It cannot be invested in Maryland, because the power with which Congress is invested is exclusive. Maryland, theregress is invested is exclusive. Maryland, therefore, is excluded, as all the other States of the Union are excluded. It is here, or it is nowhere. This was the view which I took in 1838; and I think there is nothing in the resolution which I delegates are to be sent to a famous convention.

lumbia. I was willing to do so while the other portion of the District, south of the Potomac, reained attached; and there is still less ground for objection now that that large portion of the District has been retroceded to Virginia, and when the motive or reason for concentrating slaves here in a depot, for the purpose of transport ing them to distant foreign markets, is lessened to the extent of the diminution of the territory, by the act of retrocession. Why should the slave traders who buy their slaves in Maryland or Virginia, come here with them, in order to transport them to New Orleans or other Southern markets? Why not transport them in the States in which they are purchased? Why should the feelings of those who are outraged by the scenes that are exhibited, by the cotteges which pass along our avenues of manacled human beingsnot collected in our own District, nor in our own neighborhood, but brought from distant portions of the neighboring States-why should the feelings of those who are outraged by such scenes— who are unable to contemplate such a spectacle without horror—wby should they be thus outraged by the continuance of a trade so exceptionble, so detestable as this ? Sir, it is a concess I repeat, neither from one class of the States nor the other. It is an object upon which both of them, it seems to me, should readily unite, and which one set of States, as well as the other, should rejoice to adopt, inasmuch as it lessens, by one, the causes of irritation and discontent which exist as

connected with this subject.

Abolish the slave trade within the District of Columbia, reassert the doctrine of the resolution of 1838, that by an implied obligation, on the part of Congress, slavery ought not to be abolished within the District of Columbia, or lenguage it remains in the State of Maryland-reassert the principle of that resolution, and adopt the other measures proposed in these resolutions, or some other similar measures—for I am not attached to anything as the production of my own mind, and am quite willing to adopt, ins'ead, the better suggestions of anybody else—adopt these or similar measures, and I venture to predict that, instead the distractions and anxieties which now pre vail, we shall have peace and quiet for thirty years hereafter, such as followed the disposition the same exciting and unhappy subject after the Missouri Compromise.

The next resolution, sir, is as follows: 7. Resolved, That more effectual provision ught to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory of this Union.

Well, Mr. President, upon this subject I with him who goes furthest in the interpretation of that clause in the Constitution which relates the Congress of the United States; but which extends to every State in the Union, and to the officers of every State in the Union. And I go one step further. It extends to every man, in the Union, and devolves upon him the obligation to assist in the recovery of a fugitive slave from labor, who takes refuge in or escapes into one of the free States. And, sir, I maintain all this by a fair interpretation of the Constitution. The fair interpretation of the Constitution. clause is as follows:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regula-tion therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due" It will be observed, Mr. President, that this clause in the Constitution is not amongst the enumerated powers granted to Congress—where, if it had been placed, it might have been argued that Congress alone can legislate and carry it into effect—but it is one of the general powers, or one ad are obedient to its laws, are bound to assist in the execution of these laws, whether undamental or derivative. I do not say, sir, that a private individual is obliged to make the tour of his whole State, in order to assist the owner of a slave to recover his property; but I do say, if he is present when the owner of a slave is about to assert his rights and regain possession of his property, that he, that every man present, whether officer or agent of the State Governments, or private individual, is bound to assist in the execution of the laws of their country. What is the provision? It is, that such fugitive " shall be delivered up on claim of the party to whom such service or labor may be due." I have alsuch service or labor may be due." ready remarked, in the course of debate upon the bill which is now pending upon this subject, that the terms used in regard to fugitives from criminal offences and fugitives from labor, are pre-cisely the same. The fugitive from justice is to be delivered up, and removed to the State having jurisdiction. The fugitive from labor is to be de livered up on claim of the party to whom such service is due. Well, sir, has it ever been con-tended, by any State, that she is not bound to surcal or legal ground, not at all as questioning the general right to have the fugitive surrendered on the application to deliver him up, as enjoined by

the Constitution.

I think, Mr. President, that with regard to the object of this provision, there can be no doubt. It imposes an obligation upon the States—free or slaveholding—it imposes an obligation upon the officers of Government, State or Federal—and I add, upon the people of the United States, under particular circumstances—to assist in the recovery and surrender of fugitive slaves from their masters. There has been some confusion, and I think, misconception, upon this subject, in consequence of a recent decision of the Supreme Court of the United States. I think that decision has been entirely misapprehended. There is a vast difference between imposing impediments, and af-fording facilities in the way of recovering the fugitive slave. The Supreme Court of the United States have only decided that the laws of imped-iment are unconstitutional. I know, sir, there are some general expressions in the opinions to which I have referred—the case of Maryland and Pennsylvania-that would seem to import other but I think that when you come attentively to read the whole opinions pronounced by the Judges, and take the trouble that I have taken to converse with the Judges themselves, you will ment had no right to impose obligations upon the State officers that were not imposed by the au-thority of their own constitutional laws. Why, it is impossible! If the decision had been otherwise, it would have been extra-judicial. The facility were or were not unconstitutional. The only question before the Court was upon the laws of impediment, passed by the Legislature of Pennsylvania. If they have gone beyond the case before them, to decide upon a case not before them, the decision is what lawyers call "obver dictum," and is not binding upon that Court itself, or upon any other tribunal. I say it is utterly impossible for that Court, with the case before the slave to get back his property again; it is utterly impossible that that, or any other tribunal ed it.
should pronounce the decision, that such aid and Iu assistance rendered by the authorities of the State, under this provision of the Constitution of the said so, they would have transcended their authority, and gone beyond the case which was be-

fore them. Now, Mr. President, I think that the existing laws for the recovery of fugitive slaves, and the restoration and delivering of them to their owners, being often inadequate and ineffective, it is incumbent upon Congress—(and I hope that hereafter, when a better state of feeling, when more har-mony and good will prevails among the various parts of this Confederacy—I hope it will be regarded by the free States themselves as a part of their duty)—to assist in allaying this subject, so irrita-ting and disturbing to the peace of this Union. At all events, whether they do it or not, it is our

which men can be carried by the indulgence of their passions? Why, sir, there has been no time in my public life—in which statement I concur with what was said the other day by the honorable Senator from Alabama, [Mr. King]—there has been no time of my public life that I was not willing, for one, to cooperate in any steps for the abolition of the slave trade in the District of Columbia. I was willing to do so while the other than the free and slaveholding States)—I do not think the free and slaveholding states)—I do not t that any State ought to be held responsible for the doctrines which they propagate, unless the State itself adopts those doctrines.

The last resolution declares-8. Resolved, That Congress has no power to probibit or obstruct the traffe in slaves between the slaveholding States; but that the ad-mission or exclusion of slaves brought from one into another of them, depends exclusively upon

their own particular laws. This is a concession-not, I admit, of any real constitutional provision, but a concession of what is understood, I believe, by a great number at the North to be a constitutional provision—from the North to the South, if the resolution be adopted Take away the decisions of the Supreme Court of the United States on that subject, and I know the subject is suppressed. there is a great deal that might be said on both sides of the subject of the right of Congress to regulate the trade between the States. But I believe the decision of the Supreme Court has been founded upon correct principles; and I hope it will forever put an end to the question whether Congress has or has not the power to regulate the

slave trade between the different States. Such, Mr. President, is the series of resolutions which, with an earnest and anxious desire to present the olive branch to both parts of this distracted and, at this moment, unhappy country, thought it my duty to offer.

Sir, while I was engaged in anxious considers

on upon this subject, the idea of the Missouri Compromise, as it has been termed, came under my review, was considered by me, and finally rejected, as in my judgment less worthy of the com-mon acceptance of both parties of this Union than the project which I offer to your consideration.

Mr. President, before I enter into a particular examination, however, of that Missouri Compromise, I beg to be allowed to correct a great error, not merely in the Senate, but throughout the whole country, in respect to my agency in regard to the Missouri Compromise, or, rather, the line of 36° 30°, established by the agency of Congress. I do not know, Mr. President, whether anything has excited more surprise in my mind as to the rapidity with which important historical transactions are obliterated and pass out of the memory, than has the knowledge of the fact that I was everywhere considered the author of the line of 30', which was established upon the occasion of the admission of Missouri into the Union. Mr. President, it would take up too much time to go over the whole of that important era in the

public affairs of this country. I shall not attempt it, although I have ample materials before me, derived from a careful and particular examination of the journals of both Houses. I will not occupy your time by going into any detailed account of the whole transaction, but I will content mysel with stating that, so far from my having presented as a proposition the line of 36° 30, upon the occa-sion of somethering whether Missouri ought to b-admitted into the Union or not, it did not originate in the House of which I was a member. originated in this body. Those who will cast their recollection back—and I am sure the honorable Senator from Missouri, more correctly per haps than anybody else—must bring to recollec-tion the fact, that at the first Congress when the proposition was made to admit Missouri - or rather to permit her to hold a convention and to form a constitution, as preliminary to deciding whether she should be admitted into this Union the bill failed by a disagreement between the two Houses; the House of Representatives insisting upon, and the Senate dissenting from, the provision contained in the Ordinance of 1787; the House insisting upon the interdiction of slavery, and the Senate rejecting the proposition for the interdiction of slavery. The bill failed. It did not pass at that session of Congress.

At the next session it was renewed; and, at the time of its renewal, Maine was knocking at our door, also, to be admitted into the Union. House there was a majority for a restriction of fect—but it is one of the general powers, or one of the general rights secured by this Constitution of the general rights secured by this Constitution of the admission of slavery; in the Senate a majority for a restriction of the demission of slavery; in the Senate a majority for a restriction of the demission of slavery; in the Senate a majority for a restriction of the demission of slavery; in the Senate a majority for a restriction of the general rights secured by this Constitution of the demission of slavery; in the Senate a majority for a restriction of the general rights secured by this Constitution of the admission of slavery; in the Senate a majority for a restriction of the admission of slavery; in the Senate a majority was opposed to any such restriction. In the Senate a majority was opposed to any such restriction. In the Senate a majority was opposed to any such restriction. In the Senate a majority was opposed to any such restriction. In the Senate, we can be a such as a such a such as ernment are bound to take an oath to support the Constitution of the United States. All State of-ficers are required by the Constitution to take an oath to support it, and all men who love their oath to support it, and all men who love their and the Senate said to the House, You want the not have it, unless you take along with it the bill for the admission of Missouri also. There was a mejority—not a very large one, but a very firm and decided majority—in the Senate for coupling them together. Well, sir, the bill went through all the usual stages of disagreement, and of com mittees of conference; for there were two committees of conference upon the occasion before the matter was finally settled. It was finally settled to disconnect the two bills; to admit Maine separately, without any connection with Missouri, and to insert in the Missouri bill a clause which was inserted in the Senate of the United Statesa clause which was proposed by Mr. Thomas, of Illinois, in the Senate restricting the admission of slavery north of 36° 30', and leaving the ques-tion open south of 36° 30', either to admit or not to admit slavery. The bill was finally passed. The committee of conference of the two Houses recommended the detachment of the two bills, and the passage of the Missouri bill, with the clause of 360 30' in it. So it passed. So it went to Missouri. So, for a moment, it quieted the country tended, by any State, that she is not bound to sur-tended, by any State, that she is not bound to sur-tended, by any State, that she is not bound to sur-tended, by any State, that she is not bound to sur-tended, by any State, that she is not bound to sur-tended, by any State, that she is not bound to sur-tended, by any State, that she is not bound to sur-tended, by any State, that she is not bound to sur-sir, if you will take the trouble to look into the Journals, was, upon three or four different occa-sions, offered. Mr. Thomas, acting in every inhave been some exceptions to the performance of this duty enjoined in the Constitution, but they have not denied the general right; and if they have refused, in any instance, to give up the persons demanded, it has been upon some technical or legal ground not at all as constitutions. were a majority of Southern members. My friend from Alabama, in the Senate, [Mr. King.] Mr. Pinkney from Maryland, and a majority of the Southern Senators, in this body, voted in favor of the line of 36° 30'; and a majority of Southern members in the other House, at the head of whom was Mr. Lawrence himself, voted also for that line. I have no doubt that I did also; but, as I was Speaker of the House, and as the journal does not show which way the Speaker votes, except in the cases of a tie, I am not able to tell, with certainty, how I actually did vote; but I have no earthly doubt that I voted, in common with my other Southern friends, for the adoption of the line of

So the matter ended in 1820. During that year Missouri held a Convention, adopted a Constitution, sent her Constitution, by her members, to Congress, to be admitted into the Union; but she had inadvertently inserted into that Constitution a provision to prevent the migration of free peo-ple of color into that State. She came here with the Constitution containing that provision; and immediately Northern members took except on to previous session, now burst out with redoubled force and violence throughout the whole Union. Legislative bodies all got in motion to keep out Missouri from the Union, in consequence of her interdiction of the admission of free people of

color within her limits. I did not arrive at Washington, at that session, until January; and when I got here, I found both bodies completely paralyzed by the excitement which had been produced in the struggle to ad-mit or exclude Missouri from the Union, in consequence of that prohibition. Well, sir, I made an effort, first, in the House of Representatives, to settle it. I asked for a Committee of thirteen, and a Committee of thirteen was granted to me, representing all the old States of the Union. That committee met. I presented to that Committee a resolution, which was adopted by it and reported to the House, not unlike the one to which I will presently call the attention of the Senate. We should have carried it through the House but for the votes of Mr. Randolph of Virginia, Mr. Edwards of North Carolina, and Mr. Burton of North Carolina-two, I think, of the three no longer living. Those three South-ern votes were all cast against the compromise as Chairman of that Committee, and they defeat-

In that manner things held for several days. The greatest anxiety prevailed. The country was unsettled; men were unhappy. There was a large majority in the House then—as I hope United States, was unconstitutional and void. a large majority in the House then—as I hope The Court has not said no; and even if they had and trust there is now a large majority in Congress—in favor of the equitable accommodation and settlement of the question. I could have any collateral question passed which I pleased, except that when it came to the vote by ayes and noes, unfortunately-more unfortunately then than now, I hope, should there be occasion for it—there were but few Curtiuses and Leonidases, ready to risk themselves for the safety and honor of the country. But I endeavored to avail myself, as much as I could, of the good feeling that prevailed; and after some days had elapsed, I brought forward another proposition, and a new one, perfectly unpracticed upon in the country, before or since, so far as I know. I proposed a joint committee of the two Houses; that of the Flouse considered in the country of the second of the country.

not a majority, they were the five upon my list. I moved to dispense with further balloting, and to take those five gentlemen who had received the greatest number of votes, with the eighteen acty-three. One or two gentlemen-Mr. Livermore of New Hampshire, and one or two other gentlemen, declined, and very much to my regret, and somewhat to my annoyance, the lamented Mr. Randolph and one other gentleman were placed in their situation. I forget whether that was done by ballot or by the Speaker. The Senate immedi-

ately agreed to the proposition, and appointed its

We met. It was in this Hall, upon the Sab-

bath day, within two or three days of the close

of the session, when the whole nation was listening with breathless anxiety for some final and healing measure upon that distracting subject We met here, and upon that day. The moment we met, Mr. Randolph made a suggestion which I knew would be attended with the greatest em-barrassment and difficulty. He contended that when the two committees of the two Houses met together, the chairman of the committee of the House, who was myself, had a right to preside. He was about insisting at some length upon that proposition, that the chairman of the committee of the House should preside over both committees when blended together—should be the presiding officer of both. I instantly opposed, however, this plan, and stated that I did not consider this the proper mode, but I thought that the chairman of the committee of each House should preside over his own committee; and when the committee of either branch had adopted a proposition, it should be submitted to the committee of the other branch; and if they also agreed to it, then it should be reported back to the two Houses with the recom-mendation of both committees. That mode was agreed upon, and Mr. Holmes, I think it was, from Maine, presided over the committee of the Senate. I—if I could be said to preside at all, when I took more active part in the chair than I could have well taken out of it; and when, as at this session I was thought to manifest a desire rather to take too much lead—presided over the committee of the House. I brought forward the proposition which I will read presently, and I appealed to the members of the committee, if I may use the expression. Now, gentlemen, said 1, we do not want a proposition carried here by a small majority, thereupon voted to the House, and rejected. am for something practical, something conclusive, something decisive upon the question. How will you vote, Mr. A.? How will you vote, Mr. B.? How will you vote, Mr. C.? I appealed in that way to the gentlemen of the North. To my very great happiness, a sufficient number of them responded affirmatively to my question whether they would vote for this proposition, to enable me to be confident that, if they continued to vote in that way-of which I had not a partiproposition. Accordingly, that proposition having been agreed upon by both committees, was reported by us to our respective Houses, where it was finally adopted.

Now, sir, I want to call your attention to this period of our history, and to the transactions during the progress of this discussion in Con-gress. Paring the discussions in the House, from day to day and from night to night—for they frequently ran into the night-we, who were for dmitting Missouri into the Union, said to our brethren from the North-Why, gentemen, if there be any provision in that Constitution of Missouri which is repugnant to the Constitution of the United States, it is a nullity. The Constitution of the United States, by virtue of its own operation, vindicates itself. There is not a tribural upon earth, if the question should be brought before them, but would pronounce the Constitution of the United States paramount, and must pronounce as invalid any repugnant provi-sion in the Constitution of Missouri. Sir, that argument was turned and twisted, and used in every possible variety of form, but all was in vain. An inflexible majority stuck out to the last against the admission of Missouri, until the resolution was offered and passed.

Mr. Underwood, at the request of Mr. Clay,

read the resolution, as follows: Resolution providing for the admission of the State of Missouri into the Union on a certain condition. Resolved by the Senate and House of Represent-atives of the United States of America in Congress assembled, That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the funda-mental condition, that the fourth clause of the mental condition, that the fourth clause of the twenty-sixth section of the third article of the Constitution, submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed, in conformity thereto, by which any citizen, of either of the States in this Union, shall be excluded from the subwypent of any of the be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: Provided, That the Legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereor, the President by proclamation shall announce the fact; where-

upon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete. [Approved, March 2, 1821.] Mr. Clay resumed. There is the resolution. Mr. Clay resumed. There is the resolution, sir, and you see it is precisely as I stated. After all this excitement through the country had reached to such an alarming point that the Union itself was supposed to be in the most imminent peril and danger, all parties were satisfied with a declaration of an incontestable principle of constitutional law, that when the Constitution of a State is violative in its provisions of the Constitution of the United States, the Constitution of the United States is to be paramount, and the Constitution of the State in that particular is a nullity and void. That was all. They wanted some thing for a justification of the course which they took. There is a great deal of language there of a high-sounding character-it shall be a funda mental act—it shall be a solemn and an authen-tic act—but at last, when you come to strip it of all its verbiage, it is nothing more than the principle I have announced of the paramount char-acter of the Constitution of the United States over any local Constitution of any one of the States of this Union.

Now, sir, when I came to consider the subject and to compare the provisions of the line of 360 30' the Missouri compromise line—with the plan which I have proposed for the accommodation of this question, said I to myself, if I offer the line of 30° 30' to interdict the question of slavery north of it, and to leave it unsettled and open south of it, I offer that which is illusory to the South-I offer that which will deceive them, if they suppose that slavery will be received south of that line. It is better for them—I said to myself-it is better for the South that there should be non-action as to slavery, both north and south of the line-far better that there should be nonaction both sides of the line than that there should be action by the interdiction on the one side, without action for the admission upon the other side of the line. Is it not so? What is there gained by the South if the Missouri line is extend ed to the Pacific, with the interdiction of slavery north of it? Why, sir, the very argument which has been most often and most seriously urged by the South has been this: we do not want Congress to legislate upon the subject of slavery at all; you ought not to touch it. You have no power over it. I do not concur, as is well known from what have said upon that question, in this view of the subject; but that is the Southern argument. We do not want you, say they, to legislate upon the subject of slavery. But if you adopt the Missouri line, and thus interdict slavery north of that line, you do legislate upon the subject of slavery, and you legislate for its restriction, without a corres ponding equivalent of legislation south of that line for is admission; for I insist that if there be legislation interdicting slavery north of the line, then the principles of equality would require that there should be legislation admitting slavery south of the line.

of the line. Sir, I have said that I never could vote for it myself, and I repeat that I never can, and never will vote, and no earthly power will ever make me vote, to spread slavery over territory where it does not exist. Still, if there be a majority who does not exist. Still, if there be a majority who are for interdiciting slavery north of the line, there ought to be a majority, if justice is done to the South, to admit slavery south of the line. And if there be a majority to accomplish both of these purposes, although I cannot concur in their action, I shall be one of the last to create any disturbance; I shall be one of the first to acquiesce in that legislation, although it is contrary

to my own judgment and to my own conscience.

Sir, this Union is threatened with subversion I wanted, Mr. President, to take a very rapid glance at the course of public measures in this Union presently. I wanted, however, before I did that, to ask the Senate to look back upon the career which this country has run, from the adop-tion of the Constitution down to the present day. Was there ever a nation upon which the sun of Heaven has shone, which has exhibited so much

SEE SECOND PAGE

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